Case 3:73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 1 of 4

OLANCES WILSON

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,))
WALKER RIVER PAIUTE TRIBE,) IN EQUITY NO. C-125-ECR) Subproceeding: C-125-B
Plaintiff-Intervenor,) Subproceeding. C-125-B
vs.	REPORT OF THE UNITED STATES OF
WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	AMERICA CONCERNING STATUS OFSERVICE ON CERTAIN PERSONSAND ENTITIES
Defendants.))
	1

EXHIBITS 40 through 91

268

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WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date 9/2/0

Printed Typed Name

If you are acting on behalf of any entity, identify that you are

Chief Civil

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOI attorney S. Schneider with a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	
. 3	UNITED STATES OF AMERICA.)
4	Plaintiff,))
5	WALKER RIVER PAIUTE TRIBE.) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,)))
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11	1 I hazaku antu	manadina in this and
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document with the Distri	ct Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of
-	Summons. I am mailing a copy of this document to:	
18 19	Susan L. Schneider Attorney for the United States of Americ	ca ca
20	United States Department of Justice Environment & Natural Resources Divis	sion
2:	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	ing) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of th	ne Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am action	ng) have retained an attorney to represent
26	me in these proceedings. I identify that attorney below	, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
ł	NOTICE OF ARRESTMENT AND THEREIN HO SARRY	7777 1 of 3

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1	Attomey: Br	ian Chally ief Civil Deputy Dist	rict Attorney
2	Do	uglas County District	Attorney's Office
3	Address: Po	st Office Box 218 nden, Nevada 89423	
4	MI		
5			
6	Phone Number	r: 775-782-9803	
7	Fax Number:	775-782-9807	2011
8		-	
9		((Signature)
10			
11		-	Brian Chally
12		((Printed or typed Name)
13			
14		-	Douglas County, Nevada
	 	((Entity, if any, on whose
15			
			behalf you are appearing)
16			Post Office Box 218
		-	Post Office Box 218 Minden, Nevada 89423
16		-	Post Office Box 218 Minden, Nevada 89423 (Address)
1 11		-	Post Office Box 218 Minden, Nevada 89423
16		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
VO 00 1 00		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
16 1 10 15 0		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
6 I II II II O II		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
6 I 6 6 0 4 2 2 2 2		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
16 17 18 19 20 21 22 23		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
16 17 18 20 21 22 23 24		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803
16 T T T T T T T T T T T T T T T T T T T		-	Post Office Box 218 Minden, Nevada 89423 (Address) 775-782-9803

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WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8/26/03

Signature T CARRI

Printed/Typed Name

E.L.W. (Title) NOHES THO.

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES I FOR THE DISTRICT (
3	UNITED STATES OF AMERICA.)
4	Plaintiff,)
5	WALKER RIVER PAIUTE TRIBE,) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,) SUBFILE NO. C-125-B
7	vs.)
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,) }
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	I. I hereby enter my appearance in this su	h proceeding in this case
12	2. I am filing this document with the Dist	•
13	•	rict Court at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of r	ny Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
16	Susan L. Schneider	
19	Attorney for the United States of Amer United States Department of Justice	
20	Environment & Natural Resources Divi P.O. Box 756	ision
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	art except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of t	the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am act	ing) have retained an attorney to represent
26	me in these proceedings. I identify that attorney below	w, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
1		

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1	Attorney:	
2		
3	Address:	
4	· .	
5		
6	Phone Number:	
7	Fax Number:	James / Com
8		James 1 com
9		(Signature)
10		JAMES T. CARRICO
11		
12		(Printed or typed Name)
13		ELW RANCHES INC.
14		
15		(Entity, if any, on whose behalf you are appearing)
16	•	behalf you are appearing) 165 W. LIBERTY ST REPONV 89501
17		
18		(Address) (775) 333-0320
19		(Telephone number)
20		
21		
22		
23		
24		
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27		
28	1	

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There is no EXHIBIT 43

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EXIIIOIL 4

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

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water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following

4	additional	information:
5	1.	The name and address of the party or parties who sold or otherwise conveyed
6	ownership:	
7		Name(s):
8		Street of P.O. Box: Called Called 1, 78550
9	5	Name(s): Street or P.O. Box: 310 austin 478550 jingen 1 4 MMA
10		Street or P.O. Box: 310 August 14 Manual
11		$h / x / h^{n-1}$
13		Town or City: Hall was and how
14		State: Zip Code: And
15		has not person in the
16	-	Zip Code: What I wanted the
17	2.	The name and address of each person or entity who acquired awnership
18		wer had bell a
19]	Name(s):
20	- Apple	and to the
21	5	Street or P.O. Box:
22		Street or P.O. Box: Town or City:
23	1	Town or City:
24		Ne me am &
25	5	Fown or City: All Markets State:
26		
27	2	Zip Code:
4	1)	

1

2

3

Case 3 73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 12 of

-	
2	
3	3. Attached to or included with this notice is a copy of the (check appropriate
4	box(es)):
5	•
6	□ Deed
7	□ Court Order
8	☐ Other Document.
9	
LO	by which the change in ownership was accomplished.
11	4. The undersigned acknowledges that any person or entity who files a Disclaimer
.2	of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
١3	the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
4	in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
5	this litigation.
-6	12 Aug t 2
. 7	Executed this B day of WGW 200 3
8.	
. 9	
20	
1	
2	[signature of counter-defendant]
3	Tommes tunk
4	
5	
6	[name of counter-defendant]
7	ESTRECLA CATTLECO,
_	

Case 3 73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 13 of

1	,
2	
3	[name. if applicable, of person acting on
4	behalf of counter-defendant]
5	
6	
7	[signature, if applicable, of person acting on
8	behalf of Counter-Defendant]
9	benan of Counter-Defendanty
10	
11	
12	
13	
14	
15	[address]
16	
17	
18	[telephone number]
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

Name of applicant	d under			
Map		asin East Wa	ilker Area-	
Stream		9-109		
Township	Range 285		Cou	nty Mineral
Point of diversion	SE 4 SW4 Section	n (G)		
Applicant Est	rella Catt	le Company	/	<u> assighei</u>
Source of Water	Abraham S	Spring		
Returned for corr	ection	Abı	rogated by	
Corrected applica	tion received		· .	
Map filed June	0°0 0 - 1000			
Sent for publication	NOV 1000			
Proof of publicati	on med			·
Investigated on gr			21 22 5 0	1100 11717
Protested 1/6/80	is.b.lm 1770. Bu	rerruled 8-	26-99 See R	uling 4767
	NOV 2 8 1980			
Ready for action			n 9 / 7	Stockwatering
Approved C	tober 6, 1999	0.6	03/2	LUCKU TALLTUNG
	PROOF OF	PROOF OF	PROOF OF	CHI TUDAL MAR
Denied	PROOF OF COMMENCEMENT	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP
				CULTURAL MAP
Denied Date due		COMPLETION	BENEFICIAL USE	
Denied Date due Ist extension		COMPLETION	BENEFICIAL USE	
Date due 1st extension 2nd extension		COMPLETION	BENEFICIAL USE	
Denied Date due Ist extension 2nd extension		COMPLETION	BENEFICIAL USE	
Date due		COMPLETION	BENEFICIAL USE	
Date due 1st extension 2nd extension Date filed		NOV 0 8 2001	NOV 0 6 2002	
Date due 1st extension 2nd extension Date filed CERTIFICATE NO.		COMPLETION	BENEFICIAL USE	
Denied Date due 1st extension 2nd extension Date filed CERTIFICATE NO.		NOV 0 8 2001	MOV 0 6 2002 AMOUNT	
Date due 1st extension 2nd extension Date filed CERTIFICATE NO. Use	COMMENCEMENT	NOV 0 8 2001	MOV 0 6 2002 AMOUNT	
Date due Ist extension 2nd extension Date filed CERTIFICATE NO. Use	COMMENCEMENT DDRESS:	NOV 0 8 2001	MOV 0 6 2002 AMOUNT	
Date due 1st extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AI ELW Ranches 165 West Lil	DDRESS: , Inc. perty	NOV 0 8 2001	MOV 0 6 2002 AMOUNT	NIA
Date due 1st extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AI ELW Ranches 165 West Lil Reno, NV 89	DDRESS: , Inc. perty	NOV 0 8 2001	MOV 0 6 2002 AMOUNT	
Date due 1st extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AI ELW Ranches 165 West Lil Reno, NV 89	DDRESS: , Inc. perty	NOV 0 8 2001	MOV 0 6 2002 AMOUNT	NIA
Denied Date due Ist extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AI ELW Ranches	DDRESS: , Inc. perty	NOV 0 8 2001	MOV 0 6 2002 AMOUNT	OMPUTER CHECK
Date due 1st extension 2nd extension Date filed CERTIFICATE NO. Use CHANGE OF AI ELW Ranches 165 West Lil Reno, NV 89	DDRESS: , Inc. perty	NOV 0 8 2001	BENEFICIAL USE NOV 0 6 2002 AMOUNT	OMPUTER CHECK

Case 3:73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 15 of

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Ross E. de Lipkau, Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Abraham Spring, through a spring box, pipe and earthen pond for stockwater purposes. The point of diversion of water from the source is as follows:

SE's SW4 Section 19, T.11N., R.28E., M.D.B.4M., (unsurveyed), or at a point from which the SW commer of said Section 19, bears S. 87°09'17" W., a distance of 2,351.0 feet situated in Mineral County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:

ELW Ranches, Inc.

Source:

Abraham Spring

Manner of Use:

Stockwater

Amount of appropriation:

0.01114 c.f.s., or sufficient to water

1800 head of sheep

Period of use:

January 1st to December 31st

of each year

Date of priority of appropriation:

June 13, 1980

Description of the works of diversion, manner and place of use:

Water is diverted by means of a spring box, thence through 20 feet of 1 inch diameter pipe to an earthen stock watering pond where 1,800 head of sheep water within the SE4 SW4, Section 19, T.11N., R.28E., M.D.B.&M., being within the Gray Hills Allotment.

Note: Both U.S.G.S. and B.L.M. maps mislabel the source as Water Tank Spring.

This certificate is issued subject to the prior reserved rights of the United States if in fact these rights exist and the source meets the proper criteria.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E., State Engineer of

Nevada, have hereunto set my hand and the seal of my office, this

15th day of February, A.D., 2002.

7.

State Engineer P.L.

cmf/sb

ime of applicant	X			
ар		Basin Eact W	alker Area	-
ream	54	9-109		
wnship N	Range 28 E		Cou	nty Mineral
oint of diversion	NW 146W 14 Section	on 33		
		le Company		ASSIGNE
	Water Tank	, ,		
eturned for corr			rogated by	
orrected applica	tion received			
ap filed June	13,1980			
nt for publicati				
oof of publicati	on filed NOV 3 19	80		
vestigated on gr				·
	. // _	leraled 8.2	6-99 See Ri	uling 4767
otested 11/6/80 U	BLM. Pro. DI	a lunca o e		
otested II/6/80 V				
eady for action	NOV 2 8 1980			
eady for action			312 cfs	Stockwatering
eady for action	NOV 2 8 1980	0.03		Stockwatering
ady for action	NOV 2 8 1980		PROOF OF BENEFICIAL USE	Stockwatering CULTURAL MAP
ady for action proved Oc nied	NOV 2 8 1980 (2) (4) (4) (7) (9) (9) (9) (9) (9) (9) (9) (9) (9) (9	O.03	PROOF OF	
ady for action proved OC nied te due	NOV 2 8 1980 (2) (4) (4) (7) (9) (9) (9) (9) (9) (9) (9) (9) (9) (9	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP
ady for action proved De anied te due extension	NOV 2 8 1980 (2) (4) (4) (7) (9) (9) (9) (9) (9) (9) (9) (9) (9) (9	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP
ndy for action proved De nied te due extension	NOV 2 8 1980 (2) (4) (4) (7) (9) (9) (9) (9) (9) (9) (9) (9) (9) (9	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP
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eady for action pproved enied ate due st extension at extension	NOV 2 8 1980 (2) (4) (4) (7) (9) (9) (9) (9) (9) (9) (9) (9) (9) (9	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP
eady for action pproved cenied ented ate due at extension and extension	NOV 2 8 1980 (2) (4) (4) (7) (9) (9) (9) (9) (9) (9) (9) (9) (9) (9	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP
ady for action oproved or enied or extension of extension of extension of extension or entering the filed	NOV 2 8 1980 (2) (4) (4) (7) (9) (9) (9) (9) (9) (9) (9) (9) (9) (9	PROOF OF COMPLETION MOV 0 5 2001	PROOF OF BENEFICIAL USE	CULTURAL MAP

Permit No. 41 7 Certificate No. 16027 Book Page 16027

Case 3:73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 17 of

CERTIFICATE OF APPROPRIATION OF WATER

Poor F da Tinkon Brant ha

WHEREAS, Ross E. de Lipkau, Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Water Tank Spring, through a spring box, pipeline and troughs for stockwater purposes. The point of diversion of water from the source is as follows:

NW4 SW4 Section 33, T.11N., R.28E., M.D.B.&M., unsurveyed), or at a point from which the SW corner of Section 31, T.11N., R.28E., M.D.B.&M., bears S. 79°45'54" W., a distance of 11,463.0 feet situated in Mineral County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:

ELW Ranches, Inc.

Source:

Water Tank Spring

Manner of Use:

Stockwater

Amount of appropriation:

0.01114 c.f.s., or sufficient to water

1800 head of sheep

Period of use:

January 1st to December 31st

of each year

Date of priority of appropriation:

June 13, 1980

Description of the works of diversion, manner and place of use:

Water is diverted by means of a spring box, thence through 1 inch diameter pipe to metal watering troughs where 1,800 head of sheep water within NEW NEW, Section 11: SEW SEW, Section 14: SEW SEW, Section 23: T.10N., R.27E., M.D.B.&M., and Lot 2 (NWW NEW), Section 6, T.10N., R.28E., M.B.D.&M., being within the Gray Hills Allotment.

This certificate is issued subject to the prior reserved rights of the United States if in fact these rights exist and the source meets the proper criteria.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E., State Engineer of

Nevada, have hereunto set my hand and the seal of my office, this

15th day of February, A.D., 2002.

cmf/sb

10. 415	28	te Filed JUN 1 3 1980		o Ehad As<i>k</i>)7/11/ 1 D
Case Merce	3-Ciden 127-1	WIND-C2D DOC	cument 261054	OI FIRM 03/2	27/04 Pa
Name of applicant			. 4 . 15		
Map		Basin East V	Valker Area	3-	
Stream	×	9-109		-	
ownship N	Range 28 E.	<u> </u>	C	ounty Miner	a _
	SE 4NW 4 Sec			(3 (52)	<u> </u>
Applicant Es	trella Ca	attle Compa	iny		
	Iwighlight			 	
Returned for corre	ection		Abrogated by		_
Corrected applicat					
Map filed June	000	Under 41527			
Sent for publication					
Proof of publication	on filed NOV 2	980		·	
nvestigated on gro					
Protested 11/6/80 U	salm. Pro. o	verruled 8-26	0-99 See Ruli	ng 4767	
				<u> </u>	
Ready for action	NOV 2 8 1980				
Approved <i>Uc</i>	tober 6, 199	9 0.0	03/2_	Stockwa	thing
Denied	عدير وسين وسين والمساورة				
	PROOF OF COMMENCEMENT	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL M	IAP
Date due		WOV 0 6 2001	NOV 0 6 2002	YI/A	
st extension					
2nd extension					
					
Date filed					
CERTIFICATE NO.		ISSUED	AMOUNT		
Use					
<u> </u>	يدرسهم ومطنت كروب المكارب بيانا ومسود المكا	ADDRESS CHAN	GE		ن سنند کیچید
TINGE OF AD	DDECC.				
CHANGE OF AD ELW Ranches,			3		240
.65 West Lib	erty			COMPUTER	SPRECK
Reno, NV 89 10-24-90	201			Rille Entry	1007
				Rublication	1
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***************************************			<u> </u>	Centificate	
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Case 3:73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 19 of

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Ross E. de Lipkau, Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Twighlight Spring, through a spring box, pipeline and troughs for stockwater purposes. The point of diversion of water from the source is as follows:

SE4 NW4 Section 28, T.11N., R.28E., M.D.B.&M., (unsurveyed), or at a point from which the SW corner of Section 31, T.11N., R.28E., M.D.B.&M., bears 8. 54°10′17″ W., a distance of 14,558.0 feet situated in Mineral County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:

ELW Ranches, Inc.

Source:

Twighlight Spring

Manner of Use:

Stockwater

Amount of appropriation:

0.01114 c.f.s., or sufficient to water

1800 head of sheep

Period of use:

January 1st to December 31st

of each year

Date of priority of

June 13, 1980

appropriation:

Description of the works of diversion, manner and place of use:

Water is diverted by means of a spring box, thence through 1 inch diameter pipe to concrete watering troughs where 1,800 head of sheep water within NW4 SE4, Section 27; NW4 SE4, Section 28; SW4 SW4, Section 29; NW4 NW4, Section 32; NW4 NE4, Section 35; T.11N. R.27E., M.D.B.&M., and SE4 SE4, Section 30, F.11N., R.28E., M.B.D.&M., being within the Gray Hills Allotment.

This certificate is issued subject to the prior reserved rights of the United States if in fact these rights exist and the source meets the proper criteria.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E., State Engineer of

Nevada, have hereunto set my hand and the seal of my office, this

15th day of February, A.D., 2002.

cmf/sb

State Engineer

Case 3:73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 20 of

2xhibit 42

Case 3:73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 21 of

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit

or to the jurisdiction or venue of the Cou	urt except for objections based on a defect in the Notice is	n Lieu of
Summons or in the service of the Notice	in Lieu of Summons.	
Date: 5/28/63	Signature, Company Signature	
,	Kt Du FFair tair BANKS	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify tha	it you are
	acting as:	of
	(Title)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

(Corporate, Trust, Partnership or other entity)

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Case 3:78-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 23 of Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) :9 (Telephone number)

		STATE OF NEVADA DIVISION OF WATER RESOURCES	STATE OF NEVADA N OF WATER RESO	URCES			
	SUMIN	SUMMARY OF	F OW	OWNERSHIP	<u>a</u>		
PERMIT: 13013 CERTIFICATE: 4928	USE: ISSUED:	Please retain this sheet on top of file IRR CFS: CFS: 2.73-59	s sheet on top CFS: CFS:	2.01	DUTY: AFA DUTY: 91.28 AFA	Page 60.85	1 OF 1 ACRES ACRES
REVIEW DATE: 5-11-99 BY:	RHZ	SUPPLEMI	SUPPLEMENTAL TO:				
OWNER	CFS	DUTY	APPURT. ENANT ACRES	CHANGED BY:	REFERENCED	DESCRIPTION	
DelStar Ranch	1.65	74.78	49.85		32		
Charles N. Mathewson July 22, 1992 Trust	0.36	16.50	11.00		38		D-CSD D
						7	
ENCUMBRANCE(S): YES () NO (X)						-	
							J

Exhibit 46

Case 3:73-cy-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 26 of

Name of applicant X Report No. 0-106	
Мар	
Stream /	
Field-Book X	
Township / ON R 23 E *	
NF 1/4 NW 1/4 Section 19	Douglas
Application filed AUG 5 1949	
Applicant Freeman E. Fairfield	COMPUTER CHECK
Source of water //nderground (Well #10)	
Returned for correction	File Entry (0/0)
Corrected application received	Publication (4.0
Sent for publication SEP 1 3 1949	Permit NO
Proof of publication filed 237 13 12/19	Cartificura
Investigated on ground by	
Protested Nov. 10, 1949 by Walker River Irri. Dist, et al. OV	BERULED 7/7/50 \$55
Ready for action	
Approved any 1,1950 for 23 Cf se for 2rig	. & Smutin
Denied	
Withdrawn by applicant	
Canceled	
Well log filed	Due
Proof of labor filed NOV 3 0 1950 October 201959	une 25 195/ 1956
Map filed Aug 5 1949 under No 13009 2	1959 AST 1950
Proof of completion of work filed JUL 2 3 1951	my 25, 1952
Proof of beneficial use filed NOV 2 1959	125 195 1954
Certificate No. 44 28 issued 12/29/39for 2.010/21	959 175 /151
REMARKS for eine	g. Y close.
Novalin County sections Ext to Present Topics	Re-noted to FEB 12 200861
READORESS LIST	
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04 Page 27 of 13013 (Cert. 4928)

Please retain this sheet underneath the Summary of Ownership form **ABSTRACT OF TITLE**

1 of 5

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						FILED	DOC		3
DEED	GRANTOR	GRANTEE	CFS	AFA	ACRES	UNDER	#	Ž	:7
NO.						DATE	DATE	REMARKS	' 3
-	Estate of Freeman E.	Joseph T. Banner,	2.01	91.28	60.85	12884	44302	G, B & S Deed	-CV-
	Fairfield, by Kenneth R. Davis, executor	Frank C. Bosler, Ron Kincade				6-13-69	5-1-69		001
^	Joseph T. Banner & Lauvella M. Banner Frank C. Boster &	Fairfield Ranches Inc.	2.01	91.28	60.85	12884	44675	G B & S Deed	27
ı	Opal Shirley Bosler, Ron Kincade & Maryjean Kincade					6-13-69	6-19-69		-MN
က	Fairfield Ranches, Inc.	Walker River Development	2.01	91.28	60.85	12884	48631	G, B & S Deed	1D-(
		Company				4-8-71	7-7-70		CSI
4	Walker River Development	Grant & Co.	2.01	91.28	60.85	12884	51880	G, B & S Deed) D
	Company					4-8-71	3-15-71		ocu
2	Grant & Co.	Walker River Development	2.01	91.28	60.85	12884	58113	QC Deed	me
		Company				6-12-78	3-9-72		nt 2
9	Walker River Development	Joseph S. Ladato	2.01	91.28	60.85	12884	59920	QC Deed	610
	Company					5-18-78	6-13-72)54
7	Walker River Development	Joseph S. Ladato	2.01	91.28	60.85	12884	59921	QC Deed	8 Fi
	Company					5-18-78	6-13-72	iou	led
. ထ	Joseph S. Ladato	First American Title Co. of Nevada, trustee; Lauvella T.	2.01	91.28	60.85	12884	Douglas Co. 87682	Info Only:	05/
		Banner, executrix (76.63%) & Frank C. Bosler (23.37%), benef		·		6-7-29	3-8-76	Deed of Trust	27/

4 Page 28 of

ABSTRACT OF TITLE Please retain this sheet underneath the Summary of Ownership form

	200	3:73	3-	CV (001	27-l	\ / \ /	D (CSD	Do	2011	mor	nt 20	<u> </u>	<u> </u>		ed	h <u>r</u> b	7/0
13013 (Cert. 4928)	2 of 5 B	ַ ≥	REMARKS		ach	Info Only:	Amended Notice of Serach & Default	peed s,eest	Upon Sale	G. B & S Deed		E :KjuO ojuj	Deed of Trust	Bus. Suspended per CA Franchise Tx Bd. 89	of 7-1-82. See related documents in 35605	GC Deed	eu '	Trustee's Deed C	Business Suspension noted above.
PERMIT	PAGE	# #	DATE	04099	10-20-76	04785	11-22-76	12163	8-19-77	49274	10-6-80	49276	10-6-80	Letter	5-5-99	82528	4-20-81	100058	4-25-84
		FILED	DATE	12884	6-7-29	12884	62-2-9	12884	6-2-9	12884	11-30-93	12884	11-30-93	12884	5-7-99	13013	11-30-93	12884	11-30-93
		ACRES		60.85		60.85		60.85		60.85	į	60.85		1		60.85		60.85	
Щ	vnership form	AFA		91.3		91.3		91.3		91.3	:	91.3	2.0,			91.28		91.28	
F TITL	Summary of Ov	CFS		2.01		2.01		2.01		2.01	•	2.01		:		2.01		2.01	
ABSTRACT OF TITLE	Please retain this sheet underneath the Summary of Ownership form	GRANTEE		First American Title Co.	of Nevada, trustee	First American Title Co.	of Nevada, trustee	Lauvella M. Banner, who acquired title as Lauvella T.	Banner (76.63%) & Frank C. Bosler (23.37%)	Horizon Land, Inc.		Title Insurance & Trust Co., trustee; Lauvella M.	Banner (76.63%) & Frank C. Bosler (23.37%), benef.	1		Capital Mortgage &	Loans, Inc.	Lauvella M. Banner	(76.63%) Frank C. Bosler (23.37%)
		GRANTOR		Joseph S Ladato, trustor		Joseph S Ladato, trustor		First American Title Co.	of Nevada, trustee	Lauvella M. Banner, who acquired title as Lauvella T.	Banner (76.63%) & Frank C. Bosler (23.37%)	Horizon Land, Inc.,	trustor	Horizon Land, Inc.,	defaultor	Horizon Land, Inc.		TICOR Title Ins. Co. of CA, formerly Title Ins. & Trust	Co., trustee; Horizon Land, Inc., defaultor
		DEED	NO.	6		10		=		12		13		4		15		. 91	

13013 (Cert. 4928) C 4 Page 29 of

ABSTRACT OF TITLE
Please retain this sheet underneath the Summary of Ownership form

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DEED NO.	GRANIOR	GKANIEE	S.	AFA	ACKES	DATE	# DATE		
17	Lauvella M. Banner	Everett Temme &	2.01	91.28	60.85	12884	158055	G, B & S Deed O	1
	Frank C. Bosier & Mary Boster	Selena Temme				11-30-93	7-10-87	Business Suspension noted above.	
80	Douglas County, by	Ernest R. Frederick & Linda A. Frederick; Capital Mortgage & Loans, Inc.; Linda	1	1	;	13013	171964	27-MM	
	Barbara J. Reed, Treasurer	Lodato Bartlett; Kenneth P. Steelburg & Cheryl Steelburg; Lincoln Nevada, Inc.				11-30-93	2-3-88	ID-CS[
19	Capital Mortgage & Loan,	Everett Temme	:	-	ı	13013	196495	Amended Order O	
	Inc., debtor Melvyn J. Coben, trustee					11-30-93	2-17-89	Authorizing Sale O	
20	Capital Mortgage & Loan, Inc., debtor; and Horizon	Everett Temme	2.01	91.3	60.85	13013	196500	OC Deed	
	Land Co., its after ego; Melvyn J. Coben, trustee					11-30-93	2-17-89	nt 2	
12	Selena Temme.	Everett Temme,		•	ı	12884	224441	61C :Apo ojuj	
	Defendent	Plaintiff				11-30-93	4-23-90	Amended Findings of	
22	Everett Temme	The First American	1.65	74.78	49.85	13013	216350	G, B & S Deed	
		Financial Corporation				11-30-93	12-12-89		
. 23	The First American	A. H. Osterkamp, Jr.	1.65	74.78	49.85	13013	216351	05/2 05 8 8 8 Deed '5	
	Financial Corporation					11-30-93	12-12-89		
)	i

/04 Page 30 of

ABSTRACT OF TITLE

13013 (Cert. 4928) 4 of 5

PERMIT PAGE

Please retain this sheet underneath the Summary of Ownership form

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L			Ç	4	0 0	FILED	2 3 3	DOCUMENT	3:
DEED	GRANIOR	GRANIEE	ร	AFA	ACKES	UNDER	*	DESCRIPTION	7
Ö.						DAIE	DAIE	KEMAKKS	3
24	Selena Temme	Joe Fedele (20% int.)	•	•	-	12884	238892	Info Only:	CV-
						11-30-93	11-15-90	Indiv. Grant Deed	001
25	Joe Fedele,	Everett Temme,		1	ı	12884	298361	27- :SluO ojuj	27 -
	Barbara Fedele, Fedelety Corp., Defendents	Plaintiff				11-30-93	1-28-93	Notice of Lis Pender	MIN
26	Selena Temme.	Everett Temme.	-	**	:	12884	298480	Info Only:	D-(
}	Defendent	Plaintiff	·s-+:-			11-30-93	1-29-93	eo	CSE
27	Joe Fedele,	Everett Temme,	1	ı	l	12884	305770	Info Only:) Do
.	Barbara Fedele, Fedelety Corp. Defendents	Plaintiff				11-30-93	4-28-93	Release of Notice Oof Lis Pendens	ocu
28	Everett Temme	Selena Temme	1	:	1	12884	305771	Info Only:	mer
						11-30-93	4-28-93	Release of Judgment Lien	าt 2
29	Joe Fedele, Barbara Fedele	Everett Temme	1	:	1	12884	305772		610
i	Fedelety Corp. Employee's Pension Fund, Inc.					11-30-93	4-28-93)548
30	Anthony H. Osterkamp, Jr.	aka A. H. Osterkamp,	1	1	1	13013	Orig. Doc.	Info Only:	Fi
	•	aka (Gus) Osterkamp, aka Anthony H. Osterkamp				11-30-93	9-23-93	Affidavit of ID	led
31	Darlene O. Osterkamp	A. H. Osterkamp	1.65	74.78	49.85	13013	320989	QC Deed	05/
		•				11-30-93	10-25-93		27/
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13013 (Cert. 4928) 5 of 5 4 Page 31 of

ABSTRACT OF TITLE

PERMIT PAGE

Please retain this sheet underneath the Summary of Ownership form

e 3	:7	3-	cv-(2 7 -I		D-C	Sue	Do	CU	me	nt 2	610	548			05/2	27/
DOCUMENT	DESCRIPTION/	REMARKS	G, B & S Deed		Info Only:	Deed of Trust	Info Only:	Option Agreement (expiration date 9/30/95)	Info Only: Release &	Termination of	Info Only:	Deed of Reconvey. of D of Tr #318612	Info Only:	Affidavit of ID	Water Rights	QC Deed		
DOC	#	DATE	320990	10-25-93	318612	9-27-93	318613	9-27-93	361849	5-10-95	0446771	8-10-98	Oria Doc.	5-5-99	0443626	2-6-98		
FILED	UNDER	DATE	13013	11-30-93	12884	11-30-93	12884	11-30-93	12884	11-20-98	12884	11-20-98	12884	5-7-99	12884	8-21-98		
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	AFA		74.78		ľ		-		ι				1		16.5			
	CFS	1	1.65				1				-		1		0.36	<u> </u>		
	GRANTEE		DelStar Ranch		Nevada Title Co., trustee	Joseph Sugarman, benef	Joseph Sugarman	.	Everett Temme		Fveret Temme		Everett F. Temme, aka	Everett Temme	Charles N. Mathewson	July 22, 1992 Trust		
	GRANTOR		A. H. Osterkamp		Everett Temme,	trustor	Everett Temme		Joseph Sugarman	•	Straman	Successor Trustee & Reneficiary	J. R. Hildebrandt	Affaut	Everett F. Temme		And the second s	
	DEED	Ŏ.	32		33		75		35		92	}	37	;	38	<u></u>	·	_

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	1 OF 1 CACRES OF ACRES OF ACRE	J-0v-0	0121							21/04 [age 32 0
	Page 1		DESCRIPTION								
B	DUTY: AFA DUTY: 274.36 AFA		REFERENCED DOCUMENTS	29							
SUMMARY OF OWNERSHIP	p of file 2.23		CHANGED BY: STATUS								
STATE OF NEVADA N OF WATER RESC	is sheet on to CFS: CFS:	SUPPLEMENTAL TO: APPURT-	ENANT ACRES	68.59							
DIVISION OF WATER RESOURCES	Please retain this sheet on top of file IRR CFS: CFS: 2.	SUPPLEN	DUTY AFA	274.36							
SUMI	USE: ISSUED:	RHZ	CFS	2.23							
	PERMÍT: 12885 CERTIFICATE: 4927	REVIEW DATE: 5-11-99 BY:	OWNER	Charles N. Mathewson July 22, 1992 Trust						ENCUMBRANCE(S): YES () NO (X)	12884 אנב

Case 3:73-cv-08127-MMD-CSD Document 2610548 Filed 05/27/04 Page 33 of

Name of applicant Y Report No.		
A = A	<u> </u>	
Map	lape Valley	
Stream		
Field Book		
Township 10N, R. 22 E		
SE 1/4 NW 1/4 Section 25		Dougla
Application filed APR 25 1949		<i>J</i>
Applicant Freemon E. Fairfield	1 K 1 K 1 K 2	
Source of water Underground		
Returned for correction		
Corrected application received	1	-11241
Sent for publication MAY 1 8 1949	File Entry	136
Proof of publication filed JUN 25 1949	Publication	Sec. 1
Investigated on ground by	Permit	
Protested	Certificate	المحل
		i
Approved Sept. 9, 1949 for 5.0 C. f. a. for Denied	Ivrigation 4	Women
Approved Sept. 9, 1949 for 5.0 C. f. a. for Denied	Ivrigation 4	Done
Approved Sept. 9, 1949 for 5.0 C. f. a. for Denied Withdrawn by applicant		
Approved Sept. 9, 1949 for 5.0 c. f.s. for Denied Withdrawn by applicant Canceled	Nue	
Approved Sept. 9, 1949 for 5.0 c. for for June Denied Withdrawn by applicant Canceled Well log filed Proof of labor filed JUN 6 1950	June	
Map filed May 10, 1940 TURAL MAP FILED. OCTOBET TO.	June	
Approved Sept. 9, 1949 for 5.0 C. for for Denied Withdrawn by applicant Canceled Well log filed Proof of labor filed JUN 6 1950 Map filed May 10, 1949 for the filed JUN 4 1952	June	
Approved Sept. 9, 1949 for S.O.C. for for Denied Withdrawn by applicant Canceled Well log filed Proof of labor filed JUN 6 1950 Map filed May 10, 1940 for MAP FILED. October 10.1 Proof of completion of work filed JUN 4 1952 Proof of beneficial use filed NOV 2 1959	June	
Approved Sept. 9, 1949 for S.O.C. for for Denied Withdrawn by applicant Canceled Well log filed Proof of labor filed JUN 6 1950 Map filed May 10, 1940 for MAP FILED. October 10.1 Proof of completion of work filed JUN 4 1952 Proof of beneficial use filed NOV 2 1959	June	
Approved Sept. 9, 1949 for 5.0 C. for for Denied Withdrawn by applicant Canceled Well log filed Proof of labor filed JUN 6 1950 Map filed May 10, 1949 for the filed JUN 4 1952	June 3, 3 equifor ing	1950 1951 1951 1951 1951 1951 1951 1951

Case 3:73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 34 of

OWNER OF RECORD:

Charles N. Mathewson, July 22, 1992 Trust 9205 Prototype Drive Reno, NV 89511 5/99

NEW ADDRESS FOR AGENT THIEL ENGINEERING CONSULTANTS 500 DAMONTE RANCH PARKWAY #1056 RENO NV 89511 PER TEC 8/31/00 KG 12885 (Cert. 4927) O 4 Page 35 of

ABSTRACT OF TITLE
Please retain this sheet underneath the Summary of Ownership form

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DEED	GRANTOR	GRANTEE	CFS	AFA	ACRES	FILED	200 #	DOCUMENT DESCRIPTION	3:7
Ö.						DATE	DATE	REMARKS	73
	Estate of Freeman E.	Joseph T. Banner,	2.23	274.36	68.59	12884	44302	G, B & S Deed	CV-
	Fairfield, by Kenneth R. Davis, executor	Frank C. Bosler, Ron Kincade				6-13-69	5-1-69		001
7	Joseph T. Banner & Lauvella M. Banner, Frank C. Bosler &	Fairfield Ranches, Inc.	2.23	274.36	68.59	12884	44675	G, B & S Deed	27-
	Opal Shirley Bosler, Ron Kincade & Maryjean Kincade					6-13-69	6-19-69		MM
က	Fairfield Ranches, Inc.	Walker River Development	2.23	274.36	69.59	12884	48631	G, B & S Deed	ID-(
		Company				4-8-71	02-2-2		CSE
4	Walker River Development	Grant & Co.	2.23	274.36	68.59	12884	51880	G, B & S Deed) D
	Company					4-8-71	3-15-71		ocu
rc.	Grant & Co.	Walker River Development	2.23	274.36	68.59	12884	58113	QC Deed	mei
		Company				6-12-78	3-9-72		nt 2
မ	Walker River Development	Joseph S. Ladato	2.23	274.36	68.59	12884	59920	QC Deed	610
	Company					5-18-78	6-13-72)548
7	Walker River Development	Joseph S. Ladato	2.23	274.36	69.59	12884	59921	QC Deed	3 Fi
	Company					5-18-78	6-13-72		led
∞	Joseph S. Ladato, trustor	First American Title Co. of Nevada, trustee; Lauvella T.	2.23	274.36	68,59	12884	Douglas Co. 87682	Info Only:	05/
		Banner, executrix (76.63%) & Frank C. Bosler (23.37%), benef				62-7-9	3-8-76	Deed of Trust	27/
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ABSTRACT OF TITLE

12885 (Cert. 4927)

2 of 4

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G, B & S Deed 100% conveyed due 200% conveyed due 3000 noted above. Info Only:
Amended Notice of
Breach & Default 3:73 cv-00 D-CSD CA Franchise Tx Bd. 25 of 7-1-82. See related documents in 35605P Docu Bus. Suspended pe 100% conveyed due 10 Business Suspension ment Notice of Breach Trustee's Deed **DESCRIPTION/** Trustee's Deed G, B & S Deed Deed of Trust noted above. DOCUMENT REMARKS upon Sale Info Only: Info Only: & Default 10-20-76 11-22-76 10-6-80 4-25-84 158055 100058 7-10-87 10-6-80 DATE 04099 04785 12163 49274 49276 5-5-99 8-19-77 Letter 8 # 11-30-93 11-30-93 11-30-93 11-30-93 UNDER 12884 5-7-99 FILED DATE 12884 6-7-9 12884 6-2-29 12884 6-1-9 12884 12884 12884 12884 ACRES 68.59 68.59 68.89 68.89 ١ ١ ; ŧ 274.36 274.4 274.4 2744 AFA ; ł ł 1 CFS 2.23 2.23 2.23 2.23 ; i ł 1 Banner (76.63%) & Frank C. Banner (76.63%) & Frank C. acquired title as Lauvella T. Lauvella M. Banner, who Frank C. Bosler (23.37%) Co., trustee; Lauvella M. Bosler (23.37%), benef First American Title Co. First American Title Co. Title Insurance & Trust GRANTEE Lauvella M. Banner of Nevada, trustee of Nevada, trustee Everett Temme & Selena Temme Horizon Land, Inc. Bosler (23.37%) (76.63%)Banner (76.63%) & Frank C. acquired title as Lauvella T. TICOR Title Ins. Co. of CA, Co., trustee; Horizon Land, formerly Title Ins. & Trust Lauvella M. Banner, who Joseph S Ladato, trustor Joseph S Ladato, trustor First American Title Co. GRANTOR Lauvella M. Banner Horizon Land, Inc., of Nevada, trustee Horizon Land, Inc., Frank C. Bosler & Bosler (23.37%) Inc., defaultor Mary Bosler defaultor trustor DEED 2 9 3 5 7-4 9 12 G

12885 (Cert. 4927), O cv-Q0127-MMD-CSD Document 2610548 Filed 05/27/04 Page 37 of

ABSTRACT OF TITLE
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O						DATE	DATE	REMARKS	13
17	Selena Temme,	Everett Temme,	1	1	1	12884	224441	Info Only:	-CV-
	Defendent	Plaintiff				11-30-93	4-23-90	Amended Findings of Fact & Concl of Law	001
18	Selena Temme	Joe Fedele (20% int.)		ŧ	1	12884	238892	Info Only:	27-
						11-30-93	11-15-90	Indiv. Grant Deed	MIV
19	Joe Fedele,	Everett Temme,		t	1	12884	298361	Info Only:	ID-(
	Barbara Fedele, Fedelety Corp., Defendents	Plaintiff				11-30-93	1-28-93	Notice of Lis Pendens	يرSL
20	Selena Temme,	Everett Temme,	:	ŀ	-	12884	298480	Info Only:	יט פ
	Defendent	Plaintiff				11-30-93	1-29-93	Cert. of Sale	OCU
21	Joe Fedele,	Everett Temme,		1	1	12884	305770	Me lufe Only:	me
	Barbara Fedele, Fedelety Corp., Defendents	Plaintiff				11-30-93	4-28-93	Release of Notice of Lis Pendens	nt 2
22	Everett Temme	Selena Temme	;		-	12884	305771	Info Only:	61(
						11-30-93	4-28-93	Release of Judgment Lien)548
23	Joe Fedele, Barbara Fedele,	Everett Temme		:	1	12884	305772		B Fi
	Fedelety Corp. Employee's Pension Fund, Inc.		; ; ;			11-30-93	4-28-93		led
24	Everett Temme,	Nevada Title Co., trustee	ł	ı	1	12884	318612	Info Only:	05/
	trustor	Joseph Sugarman, benef				11-30-93	9-27-93	Deed of Trust	27/
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USE:	RHZ	CFS	2.228								
PERMIT: 12884 CERTIFICATE: 4834	REVIEW DATE: 5-11-99 BY:	OWNER	Charles N. Mathewson July 22, 1992 Trust						ENCUMBRANCE(S): YES () NO (X)		12884 XI S
	12884 Please retain this sheet on top of file Page 4834 USE: IRR CFS: 2.228 DUTY: 591.0 AFA 147.75	12884 USE: IRR CFS: 2.228 DUTY: AFA 147.75	Please retain this sheet on top of file Page	FERMIT: 12884 USE: IRR FRAME CFS: TI-39 Please retain this sheet on top of file DUTY: TI-30 AFA TI-30 Page REVIEW 12-10-58 CFS: TI-39 2.228 DUTY: TI-30 AFA TI-30 BFFERRACED BFFERRACED <td< th=""><th>PERMIT: 12884 USE: IRA CFS: 2.228 DUTY: 691.0 AFA Page REVIEW ARVIEW ISSUED: 12-10-58 CFS: 2.228 DUTY: 591.0 AFA 147.75 REVIEW BY: RHZ APPURT: APPURT: CHANGED BY: REFERENCED R CFS AFA ACRES STATUS DOCUMENTS DESCRIPTION Is N. Mathewson July 22, 1992 2.228 591.00 147.75 29 29</th><th>FERMIT: 12884 USE: IRR OFS: USE: IRR OFS: USE: IRR OFS: USE: USE: USE: USE: USE: USE: USE: US</th><th>PERMIT: 12884 USE: IRA CFS: CFS: DUTY: 591.00 AFA Page FICATE: 4834 ISSUED: 12:10-58 CFS: 2:228 DUTY: 591.00 AFA 147.75 REVIEW SUPPLEMENTAL TO: APPURT: CFS APPURT: CHANGED BY: REFERENCED DOCUMENTS DESCRIPTION R CFS AFA ACRES STATUS DOCUMENTS DESCRIPTION Is N. Mathewson July 22, 1992 2.228 591.00 147.75 29 29</th><th>FICATE: 12884 USE: FIRAL IT 12884 CFS: 2.228 DUTY: 591.0 AFA Page FICATE: 4834 ISSUED: 12.10-58 CFS: 2.228 DUTY: 591.0 AFA 147.75 REVIEW SULTY ENANT CHANGED BY: REFERENCED B N: Matthewson July 22, 1992 2.228 591.00 147.75 29</th><th>FRANT: 12884 USE: IRA Please retain this sheet on top of file DUTY: 651.0 AFA Page REVIEW 12.10.56 CFS: 2.228 2.228 DUTY: 591.0 AF 147.75 AF 147.75 AF AF 147.75 AF AF</th></td<> <th>FROME 12884 USE: Branch Please retain this sheet on top of file DUTY: 591.0 AFA Page 147.75 REVIEW 12.10-58 12.228 0UTY: 591.0 AFA 147.75 ARVIEW SUPPLEMENTAL TO: THANGED EV: THANGED EV:</th> <th> Page Page </th>	PERMIT: 12884 USE: IRA CFS: 2.228 DUTY: 691.0 AFA Page REVIEW ARVIEW ISSUED: 12-10-58 CFS: 2.228 DUTY: 591.0 AFA 147.75 REVIEW BY: RHZ APPURT: APPURT: CHANGED BY: REFERENCED R CFS AFA ACRES STATUS DOCUMENTS DESCRIPTION Is N. Mathewson July 22, 1992 2.228 591.00 147.75 29 29	FERMIT: 12884 USE: IRR OFS: USE: IRR OFS: USE: IRR OFS: USE: USE: USE: USE: USE: USE: USE: US	PERMIT: 12884 USE: IRA CFS: CFS: DUTY: 591.00 AFA Page FICATE: 4834 ISSUED: 12:10-58 CFS: 2:228 DUTY: 591.00 AFA 147.75 REVIEW SUPPLEMENTAL TO: APPURT: CFS APPURT: CHANGED BY: REFERENCED DOCUMENTS DESCRIPTION R CFS AFA ACRES STATUS DOCUMENTS DESCRIPTION Is N. Mathewson July 22, 1992 2.228 591.00 147.75 29 29	FICATE: 12884 USE: FIRAL IT 12884 CFS: 2.228 DUTY: 591.0 AFA Page FICATE: 4834 ISSUED: 12.10-58 CFS: 2.228 DUTY: 591.0 AFA 147.75 REVIEW SULTY ENANT CHANGED BY: REFERENCED B N: Matthewson July 22, 1992 2.228 591.00 147.75 29	FRANT: 12884 USE: IRA Please retain this sheet on top of file DUTY: 651.0 AFA Page REVIEW 12.10.56 CFS: 2.228 2.228 DUTY: 591.0 AF 147.75 AF 147.75 AF AF 147.75 AF AF	FROME 12884 USE: Branch Please retain this sheet on top of file DUTY: 591.0 AFA Page 147.75 REVIEW 12.10-58 12.228 0UTY: 591.0 AFA 147.75 ARVIEW SUPPLEMENTAL TO: THANGED EV:	Page Page

Case 3:73:02/8004 27: MMD-CSD Document 2610548 Filed 05/27/04 Page 39 of Indexed under Name of applicant Report No. Stream . Field Book Township 10N, R22E Jouglas Application filed APR 28 1949 Source of water //nderground Returned for correction COMPUTER CHECK Corrected application received Sent for publication (Del) File Entry Proof of publication filed JUN 25 1940 Die Publication Investigated on ground by Permit Certificate **Protested** Ready for action 4. 9. 1949 for 5.0 Cf. s. for Irregation Denied Withdrawn by applicant Canceled Well log filed Proof of labor filed NOV 3 0 1950 Map filed May 10, 1949, Curtural Map Fresh Proof of completion of work filed Proof of beneficial use filed JUL 3 0 1958 BO FUNTHER E. LISICA Certificate No. 4834 issued/2/10/57 4:0 2.228c ے) مارہ برا ریکس پرد

Case 3:73-cv-00127-MMD-CSD Document 2610548 Filed 05/27/04 Page 40 of

OWNER OF RECORD:

Charles N. Mathewson, July 22, 1992 Trust 9205 Prototype Drive Reno, NV 89511 5/99

NEW ADDRESS FOR AGENT THIEL ENGINEERING CONSULTANTS 500 DAMONTE RANCH PARKWAY #1056 RENO NV 89511 PER TEC 8/31/00 KG